

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Confirmation No. 7946

Application No.: 10/676,746

Filing Date: September 30, 2003

Appellant: Harold N. Rosenstock

Group Art Unit: 2455

Examiner: David R. Lazaro

Title: INFINIBAND ARCHITECTURE SUBNET DERIVED
DATABASE ELEMENTS

Attorney Docket: 1400B-000029/US

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This is in reply to the Examiner's Answer dated October 28, 2008.

Remarks

Appellants maintain that the Arguments as presented in the Appeal Brief dated September 30, 2008 are sufficient to overcome the Examiner's rejections to each of the pending claims. Appellants, however, wish to provide the following additional remarks in order to reply to the Examiner's Answer dated October 28, 2008.

Appellants' understanding of the basis of the Examiner's position is derived from the Response to Arguments section of the Examiner's Answer at pages 10-16. In this section, the Examiner alleges that "InfiniBand™ Management Interoperability" by Gregory Pfister, published January 7, 2003 (hereinafter "Pfister") discloses every limitation of the claims except for "computing (or, in claim 11, 'a subnet manager function configured to ... compute') derived database elements independently of which of the plurality of subnet managers assumes the master subnet manager function," for which he relies upon U.S. Pat. No. 6,778,531 issued to Kodialam et al. (hereinafter "Kodialam"). Appellants respectfully submit that the Examiner is improperly combining these references and, even if these references were combined, the combination would fail to disclose all of the elements of the claims.

I. The Pfister and Kodialam References Are Not Combinable.

The Examiner relies upon the Pfister reference and its alleged teaching of the "replication" technique of failover management (See Examiner's Answer at page 12). At page 8, Pfister describes the replication technique as a "shared nothing" case in which master and standby maintain separate copies of all of the data (See Pfister at page 8, first full paragraph). In contrast, the Kodialam reference specifically discusses the generation of forwarding tables at each of the nodes from one established multicast routing tree stored at a central server or other processor, such as network management module (See Kodialam at column 6, lines 27 – 36). Appellants respectfully submit that the teachings of Pfister regarding a "shared nothing" case cannot be combined with the Kodialam reference in which generation of information to be stored at a node, i.e., forwarding tables, is generated from one shared set of data, i.e., a multicast routing tree, stored at a central repository.

II. Kodialam Fails To Teach Computing "Derived Database Elements Independently Of Which Of The Plurality Of Subnet Managers Assumes The Master Subnet Manager Function" As Claimed.

The Examiner relies solely upon the Kodialam reference for the limitation pertaining to computing "derived database elements independently of which of the plurality of subnet managers assumes the master subnet manager function." There can be no dispute that Kodialam fails to teach the switching of a master subnet manager function to a standby subnet manager. Kodialam specifically discloses a "dedicated network management module" and does not describe any switching of the management function from this module (See Kodialam, e.g., at column 5, lines 36-44). In fact, the Examiner fails to even allege that Kodialam discloses this switching of the master management function.

As acknowledged by the Examiner, the "central network management module" of Kodialam "provides the data that allows a node to produce the derived database elements" (See Examiner's Answer at page 13)¹. Appellants respectfully submit that, to the extent that each of the nodes determines "derived database elements" at all, each of the nodes relies upon the "central network management module" to do so (See Id.). Therefore, Appellants respectfully submit that Kodialam teaches actual "dependence" on the management module for any determination of derived database elements. For this reason, Appellants respectfully submit that the Kodialam reference fails to teach computing "derived database elements independently of which of the plurality of subnet managers assumes the master subnet manager function" as claimed.

¹ By this statement, Appellants do not admit that Kodialam discloses "derived database elements" as provided by the claims. Appellants are merely stating that, even if the Examiner is correct that Kodialam discloses "derived database elements" as claimed, the "derived database elements" are not computed "independently of which of the plurality of subnet managers assumes the master subnet manager function" as claimed.

III. Conclusion

For the reasons set forth above and in Appellants' Appeal Brief dated September 30, 2008, Appellants respectfully request that the Board direct the Examiner in charge of this examination to withdraw the rejections.

Respectfully submitted,

Dated: December 24, 2008

By: /Joseph M. Lafata/
Joseph M. Lafata, Reg. No. 37,166
Michael A. Schaldenbrand, Reg. No. 47,923

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
Attorney for Appellants

JML/MAS/gmp